



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY

REGION 2
290 BROADWAY
NEW YORK, NY 10007-1866

NOV - 1 2018

Mr. Daniel Greene
General Counsel
New York State Governor's Office of Storm Recovery
25 Beaver Street, 5th Floor
New York, NY 10004

Dear Mr. Greene:

The U.S. Environmental Protection Agency has reviewed the Hempstead Lake State Park Environmental Assessment (EA). This project is part of the Living with the Bay Project and Resiliency Strategy (LWTB) for Nassau County, New York. The LWTB project was awarded \$125 million by the U.S. Department of Housing and Urban Development (HUD) through the Rebuild by Design program. As such, the document was prepared by the State of New York, Governor's Office of Storm Recovery (GOSR), serving under the auspices of New York State Homes and Community Renewal's Housing Trust Fund Corporation, and acting under HUD-delegated authority.

The purpose of the LWTB project is to provide a comprehensive suite of potential projects intended to provide long-term resilience and climate change adaptation for Nassau County communities in the Mill River Watershed. The LWTB project includes six general project areas. This EA evaluated the Hempstead Lake State Park project component. The Hempstead Lake State Park project would improve the 521-acre state park located in the northern portion of the LWTB project area. The project would improve the Park's existing water management infrastructure and provide new educational and recreational amenities.

In an October 18, 2017 letter, EPA raised concerns regarding the lack of information about a Monitoring Plan and Maintenance Plan. We recommended that the details of these plans be included in the Final EA, as they help demonstrate how project elements will be monitored for success and maintained over time, and how project impacts will be mitigated. The EA did not include an appropriate level of detail to meet these objectives.

EPA also raised concerns about the structural and soil components. This included discussions of the grading plan, berms, purpose of sediment basins, and shore-bank stabilization. Our October 18, 2017 letter stated that the grading plan should show all constructed structures such as forebays (including technical construction plans) and a soil map to demonstrate that the grading plan is appropriate to successfully support the Planting Plan. We also requested that a 404 (b)(1) alternatives analysis for these berms be prepared. EPA recommended that alternatives be evaluated, such as reed beds, for nutrient removal and reductions to bacteria levels since these

might be more effective and efficient than what was proposed. Also, we note that a Jurisdictional Determination for the project site has not been submitted to the Army Corps of Engineers for review. A Jurisdictional Determination is needed to properly analyze the project's impacts and assist in the consideration of any compensatory mitigation work that may be required for this project. Lastly, we recommended that the technical construction plans for the shore-line bank stabilization be completed and included in the Final EA. These areas of concern were not sufficiently addressed in the EA.

In light of GOSR's decision to complete a series of EAs for the LWTB project, as opposed to a single comprehensive document, EPA suggested that future LWTB projects include an iterative evaluation of cumulative impacts from past, present and future projects. While EPA recognizes that the complete details of future LWTB projects are not yet available, we encouraged GOSR to include general plan information to the greatest extent possible. The cumulative effects section of the final EA still lacks a level of detail that we had hoped would have been included and did not commit to an iterative process for future LWTB projects.

EPA does not believe that the EA currently provides sufficient information for GOSR to make a finding of no significant impact (FONSI) determination. Additional documentation, as identified above, is highly recommended to support a FONSI.

Thank you for the opportunity to comment on the Hempstead Lake State Park Environmental Assessment. Our comments on the EA contained in this letter are intended to help GOSR by providing useful information that will ultimately inform local, state and federal decision-making and review. Should you have any questions regarding the comments and concerns detailed in this letter, please feel free to contact Stephanie Lamster of my staff at 212-637-3465.

Sincerely,

A handwritten signature in blue ink, appearing to read "Grace Musumeci", with a long horizontal flourish extending to the right.

Grace Musumeci, Chief
Environmental Review Section

bcc: Michele Fafette, CWD-WMB-WPS

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